CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON HOUSING AND BUILDINGS

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HELD AT: Council Chambers
City Hall

B E F O R E:
JUMAANE D. WILLIAMS
Chairperson

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Ydanis A. Rodriguez
Karen Koslowitz
Robert E. Cornegy, Jr.
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Mark Levine
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A P P E A R A N C E S (CONTINUED)

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New York State Restaurant Association

Dwayne Andrews
American Council of Engineering Companies
of New York

[background comments]

CHAIRPERSON WILLIAMS: This hearing is coming to order.

[gavel]

Good afternoon everyone and thank you for coming. I'm Council Member Jumaane Williams, the Chair of the Committee and I'm joined today by Council Member Rosie Mendez from Manhattan, Council Member Vinny Ignizio from Staten Island -- primary reason we are here today. Today we'll be holding the first hearing on Intro 11, a bill which would require that certain assembly spaces be equipped with carbon monoxide detecting devices. This bill is sponsored by Minority Leader Ignizio and Council Member Matteo.

Intro 11 would require that buildings in occupancy groups A-1, A-2 and A-3 install carbon monoxide detecting devices. Some examples of the buildings that will be covered include theaters, concert halls, banquet halls, cafeterias, nightclubs, bars, restaurants, gyms, community halls, houses of worship, school cafeterias, and auditoriums. The Council is hearing this bill because it is concerned by recent incidents of carbon monoxide poisoning that occurred in these kinds of buildings. For example,

in 2012, 35 adults and children were hospitalized with complaints of dizziness and nausea at a community center in Staten Island. Last month, a carbon monoxide leak in the basement of a mall restaurant in Long Island left one person dead and 27 people hospitalized. And we understand that just a few days ago there was another incident in Staten Island that injured two people.

I would now like to invite the bill's sponsor to give a brief statement.

COUNCIL MEMBER IGNIZIO: Thank you very much Mr. Chairman and thank you to members of the Committee, as well as the Speaker and all the members that will be joining us from the Housing and Buildings Committee that are in other hearings and are on their way. I'd like to thank the various restaurant owners, non-profits; government offices that have been helpful in crafting the piece of legislation.

As we've seen in recent weeks, as recently as just this morning in Brampton, Toronto, Canada; three people were killed when propane heaters were brought into their homes after the furnace stopped working in frigid conditions; we saw the

Legal Sea Food issue in Long Island and where this bill originally started from was in my very own CYO Mount Loretto gymnasium, where children and adults were practicing for a Christmas play and were taken to the hospital with an unknown illness. Just to be clear, the bill, when it was originally proposed and originally drafted had carbon monoxide alarms or detectors; that is and will be in an amended version of this bill, which is actually already crafted, but just out of concern for those saying detectors would cost x amount; it would be disproportionate to the amount of funds available for this type of preventative to what we have now; the bill as amended would reflect carbon monoxide detectors or alarms, which was a and is a concern of the small business community, which has been allayed and the current bill will also increase the amount of carbon monoxide alarms or detectors which would cover theaters, movie theaters, nightclubs, restaurants and bars, cafeterias, bowling alleys, courtrooms, school auditoriums, gymnasiums, houses of worship, pool halls, community halls and art galleries.

The purpose of the bill is clear; as we've seen in recent weeks and months, is that we're

just trying to get ahead of these potentially dangerous situations whereby people are taken ill or killed because of carbon monoxide; I believe time has come for this bill and I think we crafted a piece of legislation that is not terribly taxing on the owners and non-profits throughout the City, but will actually save and protect people's lives. So with that I thank you, Mr. Chairman and I look forward to the testimony here and if any and all in the industry; in government have a way of crafting or amending this bill, we're open to hearing anything; that's what the committee system's about. Thank you very much.

CHAIRPERSON WILLIAMS: Thank you. I wanna recognize Council Member Ydanis Rodriguez from Manhattan, Council Member Ritchie Torres from the Bronx, and thank you for that statement and I just wanna make mention that… how amenable you were to correct the issues with cost and whether detector or alarm, which was very good and thank you for doing that with haste, actually.

With that said I'm gonna call up our first panel; please know that all witnesses will be under oath when testifying; I'd also like to remind

everyone to fill out a card with the sergeant if you'd like to testify today. Please hold on a second.

[pause]

COUNCIL MEMBER IGNIZIO: Mr. Chairman, if I could be so kind as to have one second while you're doing that. [crosstalk]

CHAIRPERSON WILLIAMS: Sure.

COUNCIL MEMBER IGNIZIO: I wanna just thank my counsel, who spent countless hours on this, Brendon Lantry; Counsel Tim Ennari [phonetic], he spent a lot of time working with everyone in crafting a bill over the weekend and I think he'll be giving up his St. Patrick's Day as well to ensure that this bill is prepared for the legislature. Thank you.

CHAIRPERSON WILLIAMS: I just wanna be clear; I think we have Julian Bazel from the Fire Department, department counsel, James Colgate, Assistant Commissioner, Department of Buildings and Chief Joseph Wizneka… Wizniak… Wizni… sorry, Assistant Chief FDNY. Sorry 'bout that. If you can please raise your right hand. Do you swear or affirm to tell the truth, the whole truth and nothing but the truth today? Thank you. Please go ahead.

JAMES COLGATE: Good morning, Chair Williams… afternoon, Chair Williams and members of the Committee. I am James Colgate, Assistant Commissioner of Technical Affairs and Code Development at the New York City Department of Buildings, and I have with me Julian Bazel, Fire Department Counsel, and Fire Prevention Deputy Assistant Chief, Joe Woznica, from the Fire Department. Thank you for allowing me the opportunity to testify in support of this legislation, which will continue the efforts to improve safety for all New Yorkers.

We are here to discuss Intro 11, a bill to amend the Building Code by requiring carbon monoxide alarms and detectors in assembly spaces. The Department of Buildings and the Fire Department agree with the Council's concerns regarding carbon monoxide safety and your efforts to increase awareness with regard to past incidents and new technologies that may decrease the risk of future carbon monoxide related deaths. Carbon monoxide is a colorless, odorless and tasteless and non-irritating toxic gas; sometimes called the "silent killer," it is completely undetectable by human senses. As a

result, hundreds of people are killed each year nationwide by accidental CO poisoning and thousands are permanently injured. The risk of CO poisoning increases in winter in particular, when well-insulated, airtight homes and malfunctioning heating equipment can produce dangerously high and potential deadly concentrations of CO.

This proposed legislation would amend Sections 28-312.6 of the Administrative Code and Section 908.7.2 of the Building Code and would require CO detectors to be connected to a control panel monitored by a central station for the following occupancies, including but not limited to: A-1 -- Assembly Group A-1 is movie theaters, symphony, concert halls, television and radio studios admitting an audience; A-2, which include catering halls, nightclubs, restaurants and bars and A-3, which include museums, courtrooms, houses of worship and bus terminal waiting areas.

Currently, the Code requirements for carbon monoxide detecting devices center mostly on dwellings, schools and sleeping quarters, where there are long durations of human occupancy. The heart of the issue is early detection of the presence of CO

from the source of the emissions. Intro 11 would require a CO detector at the source of potential emissions -- those are fuel-burning locations -- and further, CO detectors would be required throughout other areas leading from the potential sources of CO emissions. While we agree with the use of the detectors at the source and perhaps in corridors above garages, requiring additional detectors along corridors seems to have minimal benefit and may add significant cost.

Incorporating these requirements in new buildings, regardless of occupancy group, would present few practical impediments. However, in existing buildings, there may be some practical difficulties in implementing Intro 11.

The issue is that the simple alarms that you can purchase at a hardware store are listed for residential occupancies only; they are not listed for commercial applications. Instead, the installation of any carbon monoxide detecting device in a commercial occupancy would necessarily require a system of detectors and wires connected to a central station alarm monitoring panel that can send an alert via the phone lines. If the business currently has a

central station monitoring alarm panel, the monthly costs for monitoring are not greatly increased, but even if there is a central station alarm monitoring panel existing, costs are not insubstantial; these include the fees for a consulting engineer to design the wiring and detector location and to file plans with the Fire Department, the costs paid to the contractor to install the wiring and obtain a signoff and then finally, the costs to restore the wall and ceiling finishes. In those buildings that do not currently have a central station alarm monitoring panel the cost can be greater. These buildings include those that may not have a fire alarm system or may have a fire alarm system without a central station alarm monitoring panel. Therefore, the installation of even one CO detector would require an engineer, filing and inspection by the Fire Department and the installation of wiring and a transmitter to a central station. Some existing buildings may already have a transmitter, but because the CO alarm is required to be transmitted as a separate zone, existing transmitters may not be able to support an additional zone and so the transmitter may have to be upgraded as well.

The number of detectors would be a function of the layout of the corridors and floors if there is more than one floor. As far as sub-uses, Items 2 and 3 of Section 908.7.2 could be written clearer -- these items were written with only schools, hospitals and day care in mind and require the detectors only in corridors. This bill would add assembly occupancies into the mix, and these occupancies often do not have corridors. In addition, the proposal does not clearly address the situation where the Group A, assembly occupancy is several stories removed from the carbon monoxide producing equipment. An example would be a conference room, which is an assembly occupancy, but let's say it's on the second floor of a Group B, or business occupancy, like an office building; the CO detectors connected to a central station alarm monitoring panel would, under this proposal, be in the cellar boiler room, but because the assembly occupancy is two stories above the boiler, no detectors are required on the second story.

We concur with many of your thoughts behind the introduction of this legislation. The Fire Department believes that the first line of

defense is prevention. Their educational literature and safety programs warn homeowners about preventing or minimizing the potential for CO gas exposure in their homes. The second line of defense is the proper maintenance of the heating combustion equipment. Third line of defense against the dangers of CO is a CO alarm. We know from experience that properly installed and working CO alarms and detectors can provide an early of the presence of CO, allowing sufficient time for occupants to either escape or take appropriate action, before the deadly gas can build up to dangerous levels.

You will hear shortly from other stakeholders and experts in related fields. They will provide their own opinions on the bill, the cost and the technology. We remain open to getting more input and hearing all sides. The bill in its present form is not ready, in our opinion; it needs technical revisions to make it work. We are open to continuing discussions with the City Council. We thank you for the opportunity to speak with you today about the proposed legislation and we would be happy to answer any questions you may have.

CHAIRPERSON WILLIAMS: That's the testimony for all three?

JAMES COLGATE: Yeah.

CHAIRPERSON WILLIAMS: Alright.

JAMES COLGATE: But we're here for questions.

CHAIRPERSON WILLIAMS: I want to recognize Council Member Inez Barron from Brooklyn, Council Member Eric Ulrich from Queens, Council Member Karen Koslowitz from Queens, Council Member Mark Levine from Manhattan and… [background comments] Did I miss anyone? [background comment] Oh, Council Member Rafael Espinal from Brooklyn.

Thank you for the testimony. Just for… can you do me a favor; just explicitly explain the difference between a CO alarm and a CO detector?

JAMES COLGATE: I'd be happy to do that. I think for the last 20 or 30 years, when we first getting a requirement for smoke detectors and carbon monoxide detectors, we called that detector, but that's not really the technical word. When you're writing the laws and we look at the books, what people think of as a detector is really an alarm. An alarm is that stand-alone device that you stick on

the wall that you buy at the hardware store; that's an alarm; it records locally and announces locally; it's just a stand-alone device. Those are alarms, we have them in all our apartments, those alarms are listed by the agencies that certify the safety of them for residential applications; those types of devices do not exist, to our knowledge, that are listed for a commercial application. So those devices, those alarms are those… just those devices.

A detector is often part of a system of wires that goes through the building that connects to something and they're more sophisticated systems; a detector has to be connected with special wiring, has to be inspected by the Fire Department and designed by an engineers. So that's the difference between a detector and alarm, at least I tried to explain it. Did I do it?

JOE WOZNICA: Sounds pretty good.

JAMES COLGATE: Okay.

CHAIRPERSON WILLIAMS: Thank you. Would a CO alarm suffice what we're trying to do in commercial areas?

JAMES COLGATE: There are two problems with trying to use an alarm in a commercial

application, whether that's an assembly occupancy or any other occupancy that's not residential. The first problem is that Underwriters Laboratory that certifies these devices as being safe for use don't list them for commercial applications… [interpose]

CHAIRPERSON WILLIAMS: I'm sorry; who doesn't?

JAMES COLGATE: Underwriters Laboratory (UL). You see UL on all the electrical appliances, it says UL; they're the testing laboratories that… [interpose]

CHAIRPERSON WILLIAMS: And they stand for Underwriters Laboratory?

JAMES COLGATE: Underwriters Laboratories. Alright? So they test these devices and to install these things, by our laws, they have to be listed and tested by an organization that deems them to be safe, and we are unaware of any devices that are alarms that can be used in a commercial application. The other problem with an alarm is that the bill asks for alarms or detectors be in two places; one is in the room that has the equipment. So for instance, if it's in the boiler room… [interpose]

CHAIRPERSON WILLIAMS: So before you go… I just… we're still just talking about alarms… [crosstalk]

JAMES COLGATE: Just talking about alarms, right.

CHAIRPERSON WILLIAMS: Okay.

JAMES COLGATE: If you try to put an alarm in a boiler room…

CHAIRPERSON WILLIAMS: Okay.

JAMES COLGATE: The boiler room is a self-contained room that usually does not have people in it, [background comment] and an alarm relies on people being next to it to hear it going off, so that in the boiler room, if you put an alarm, that's not connected to anything else, not through wires to a transmitter, but just in that room, it may start beeping, but there's no one in that room to hear it. So… so… [interpose]

CHAIRPERSON WILLIAMS: But an alarm there and then an alarm in another place would be beneficial?

JAMES COLGATE: Well, it will start beeping when the boiler room fills with carbon monoxide, it'll start beeping, but no one will hear

it; then when the carbon monoxide starts traveling other places, you may be able to hear it when it hits those other alarms, but at the end of the day, the first point is still there, which they don't make the use for commercial applications.

CHAIRPERSON WILLIAMS: They don't make them for commercial applications?

JAMES COLGATE: Not that we're aware; we've looked and we haven't found any, and maybe there's an expert… [crosstalk]

CHAIRPERSON WILLIAMS: Wait…

JAMES COLGATE: in this room who could tell you otherwise, but we've not found any alarms that are tested and certified for use as being for commercial applications.

CHAIRPERSON WILLIAMS: And then, Page 1, while we agree with the use of detectors at the source… and this is, I guess detectors, and perhaps in corridors above garages, requiring additional detectors along corridors seems to have minimal effect; is that because people aren't congregating in the corridors? Why would it have minimal effect?

JAMES COLGATE: Yeah, well what's interesting is the current New York City Building

Code requires them in two places, in… I'll call them non-residential occupancies, 'cause they deal with schools and it deals with hospitals and nursing homes; it deals with children's day care. The current Building Code says that you put these detectors in the room that creates the CO, which might be the boiler room or a room with a furnace or something like that, and then it requires it in corridors on the floors above and below and on the same floor as that device. So that if you have nursing home patients on the floor above the boiler, you need to have it in the corridor; doesn't require it in the sleeping rooms; that's what the Code says, so that's what the current law says. When you amend it in this proposal to add the new requirement for assembly occupancies, it's still stuck to the issue of the corridors. So for instance in this room, this is an assembly occupancy; it would be required to have carbon monoxide detectors, but the requirement in the proposal would only require it in the corridors that are outside it and if there are no corridors, there wouldn't be a requirement for anything. That's the way I read the bill now; that's kind of odd, but that's why we brought that up.

CHAIRPERSON WILLIAMS: So in your opinion, to fulfill what we're trying to do in commercial, you're saying we would have to use detectors; that the alarms would not be sufficient?

JAMES COLGATE: That's exactly what I'm saying and we're saying that a new construction, that's a lot easier to accomplish 'cause you have the walls open, you have a system going in, you have fire alarms going in. In existing buildings it's very expensive to install a detection system with the wiring and the inspections that are required and the engineer's design in an existing building, because you're starting from scratch.

CHAIRPERSON WILLIAMS: Is there a particular reason why… and thank you for telling me what UL is, [background comment] the people who are watching this probably learned something today, including myself, but is there a particular reason why an alarm would be good in residential space that may be large and not good in a commercial space?

JAMES COLGATE: I think that in a residential occupancy the idea is to alert the occupant in the particular room where it is and in a commercial occupancy the signals generally go to the

fire department and get a different kind of attention paid to it; I'm not sure why, but if there were to be an alarm that was listed for use in a commercial application, you could use it, right? If it beeps and there's no one there, you know, that means no one's there to get hurt by the CO. So I guess there's no reason why you couldn't do it, it's just that we've not heard of one that is made for that.

CHAIRPERSON WILLIAMS: What I'm trying to figure out is; is it not made for that because they want to alert the fire department or is it for some reason won't work in a commercial building? I mean, [background comment] it seems to me it would beep and whoever's in the commercial building would hear it.

JOE WOZNICA: The reason an alarm would be in effective in a commercial occupancy versus a residential is the residential is a much smaller space and the alarm generally would be placed close to the source of where the carbon monoxide would be generated. If it's in a residence, you could hear that alarm, for the most part, throughout that occupancy. In a commercial place you're gonna put an alarm here, the source of where the carbon monoxide would be generated; that would be in the boiler room,

which is generally in a cellar or a basement area, which is isolated from the rest of the spaces which are occupied by people that may congregate within that occupancy, that commercial or assembly occupancy and therefore removed from the location of that alarm, so they won't hear the alarm, you'd have to have some kind of system which would allow that alarm to activate more alarms throughout that occupancy.

CHAIRPERSON WILLIAMS: Yeah, but can I put a second one on this floor?

JOE WOZNICA: You could, but you would have to wait for the carbon monoxide to propagate from the lower area of that building or occupancy to the upper area to activate that second alarm. If you had an alarm that was interconnected with another alarm, as soon as that alarm went off, it would alert the people that there is some kind of a problem somewhere and then they could investigate further.

CHAIRPERSON WILLIAMS: I have one question, I'm gonna pass it to the sponsor and then I have some additional questions. Is a system that has… what we just described, the alarm near the source and then an alarm upstairs, let's say here, even if the carbon monoxide would have to propagate

up there; is that better than having anything, even if it's not better than having a detector?

JOE WOZNICA: It would be better than having nothing, but it's not the most optimal source of alerting the occupants. [interpose]

CHAIRPERSON WILLIAMS: Okay. Council Member Ignizio.

COUNCIL MEMBER IGNIZIO: Thank you very much. The problem with having such a good chairman is that he steals a lot of the questions you were gonna ask. [laughter] No, I'm kidding. No, I'm kidding.

Thank you all for coming. And look, we're all here in the vein of trying to improve safety for everyone, right, and I think those watching at home and anybody who's covering the hearing is… we're all trying to build a better mousetrap. I agree with you that the gold standard is the detectors and the system they're in, but beyond that, it's the gold standard which is the desired approach or potentially people getting sick and falling ill or potentially dying from not even knowing that carbon monoxide exists in their basement or in, you know, or in the gym or level they're in.

The concern, to try to mitigate both issues, would be an intermediary step of having carbon monoxide alarms in locations where people would come in contact with. So the logic that no one would hear the alarm, well under the… continuing with logic is that someone would enter that room and hear that alarm; the same people that would potentially be exposed to the carbon monoxide that they would not see, hear or smell. So I just think that this is a conversation that we're having about good not being the enemy of perfect, clearly the better approach, and it's written into the bill, that upon alteration or massive change in your fire detection system, your carbon monoxide detecting system would be upgraded to reflect that. It also is… if you're building new construction, carbon monoxide detection system would be required to be incorporated into a new system. For those that have a relatively new fire detecting system that's currently ongoing but has no protective measure in their business for carbon monoxide, this would be an intermediary step that would protect their patrons. Just today I got a call from the owner of Shaggy's, which is a cheesesteak place in New Dorp, that had people taken to… people fell ill

because of carbon monoxide and he was very supportive as this being an interim step, and actually that was detected by the Fire Department in a routine inspection, as ironic as that is, but the way that worked out was that it was… during the cold winters a lot of times the employees close the flues; is that… am I saying the right word… that closes the exhaust system and which… which has the carbon monoxide blowing back into their residence, which ultimately could have killed them, and thank god the Fire Department was there and people should be saying thank god the Fire Department more often than they do, but. So with regards to this bill, I wanted to ask you a question about… the conversation came up about whether… and by the way, I did take a look; there is some commercial applications for carbon monoxide alarms and we'll make those available to you as well and… but regards to… there was a conversation when we were crafting the bill about whether kitchens and laboratories should be included in this because of the potential disruption that kitchen material… I guess oils and some of the chemicals that are used in laboratories would actually disrupt or harm the carbon monoxide alarm. Do you have any position;

does the Administration have any position or do you have any insight that you could impart to us about that?

JOE WOZNICA: As far as I know, there's no chemical or oil or grease that's gonna actually harm the alarm, it's that it would clog it, prevent it from actually detecting the carbon monoxide gas, and as long as the ar… [interpose]

COUNCIL MEMBER IGNIZIO: Yeah; that's fair.

JOE WOZNICA: as long as the area is vented properly, like most kitchens and laboratories are supposed to be, then that would relieve any of the carbon monoxide which should build up due to the use of open flames for cooking or Bunsen burners or whatever and there shouldn't be any problem.

COUNCIL MEMBER IGNIZIO: Okay. Does anybody else have any… no? Okay. Finally, I just wanted to ask you with regards to the alarms where there… and you said that the concern was that they would not be heard by anyone and that gas would what; continue to just emit upstairs or to other locations? Because and part of the bill was that you would have an alarm also one floor up and one floor below.

JOE WOZNICA: I'll use for example the incident that occurred on Long Island in the shopping mall. The oil-burning equipment, the heating equipment was in the cellar of that occupancy and a lot of time in restaurants they keep their storage of food and other supplies down there…

COUNCIL MEMBER IGNIZIO: Sure.

JOE WOZNICA: obviously very noisy and unable to hear the… you'd be unable to hear the sound of an alarm up in the kitchen area; when that owner of the business went to the cellar, he probably would've still been exposed to an excess amount of carbon monoxide even if the alarm had gone off because he wouldn't have heard it and once he got into the bottom of the stores he would've been overcome more than likely anyhow.

COUNCIL MEMBER IGNIZIO: Right. Okay. So and just… just so you understand the logic of why it was written into the bill this way; always, if it's with… with the face of the intermediary step, which I referred to you, but also that someone who would be going downstairs and potentially working in that building, not knowing, would in fact hear that… my buddy owns a diner; he has several walk-in boxes

and he has these alarms in his… on all his floors already, just as a preemptive issue, and upon testing the alarms… I mean they're pretty loud, if the… you know, I think if you come down and you don't recognize what's going on and you start working in that room, it's far worse than saying wait, what's that sound, I kinda hear an alarm, now you know and you know to get out of the building. And that's what happened in the Mount Loretto situation, where these kids were overcome and they had no clue at all why they were overcome; had they had even an alarm system, a carbon monoxide alarm, they would have recognized that this is what it is and evacuate the building; instead, the people fell ill one by one, based on age or susceptibility; I don't know what it is, what makes you more overcome than anyone else close to this… in proximity to what was emanating, but if they had known the alarm was going off, it would've been subject to one child, two children, five young people instead of… they ended up being, you know, 30 some odd people that were taken with an unknown illness that had to be diagnosed in the emergency room.

Thank you Mr. Chairman; I look forward to continuing the conversation.

CHAIRPERSON WILLIAMS: Thank you. Council Member Levine.

COUNCIL MEMBER LEVINE: Thank you Mr. Chairman, thank you Mr. Minority Leader. I have a tactical question; another form of gas has been in the news this week -- natural gas -- because of the tragedy in East Harlem; natural gas is also odorless, colorless; you can't feel it; no way to sense it, so we've put in a chemical, mercaptan which smells funny, which is what saves lives. Is there no reason we couldn't put some sort of similar chemical in heating equipment so that if there was a breach that allowed the CO2 to get out that mercaptan or some other chemical would alert people with a smell? Why isn't that done if that's…

JOE WOZNICA: You'd have to ask a chemist about that; I wouldn't know the answer to that question.

JULIAN BAZEL: Let me just make a suggestion that the reason why the carbon monoxide is coming out is because the equipment is malfunctioning; it's unclear how the odor could be

added in… you certainly wouldn't want an odor coming out when it's functioning properly, because that would… [interpose]

COUNCIL MEMBER LEVINE: Right.

JULIAN BAZEL: not smell good. I think the… it would… it's hard to imagine how you could just have that odor associated with a malfunction, a gas that's not supposed to be generated as opposed… you'd probably have to have a detector that would release the scent upon exposure to that particular carbon monoxide, which is an interesting thought and perhaps a technology that could be developed, but I don't think that that's commonly in use now.

COUNCIL MEMBER LEVINE: Okay. Forgive me if this was mentioned earlier, but how many deaths or injuries result per year from carbon monoxide inhalation? In New York City. Do we know that?

JULIAN BAZEL: I don't believe we have that information readily available, but we can get back to you on it.

COUNCIL MEMBER LEVINE: Could you even estimate; ballpark?

[background comments]

JOE WOZNICA: Health Department.

JULIAN BAZEL: Oh Health Department. Oh yeah. [background comment]

NANCY CLARK: Hi. Nancy Clark from New York City Health Department, Assistant Commissioner for Environmental Disease and Injury Prevention. We did take a look at… [interpose]

COUNCIL MEMBER LEVINE: Could… could you… [interpose]

CHAIRPERSON WILLIAMS: I'm sorry; can you say your name again in the mic?

NANCY CLARK: Yes, sorry… [interpose]

COUNCIL MEMBER LEVINE: [background comment] Yeah, maybe grab a chair. Thank you.

NANCY CLARK: Sorry.

COUNCIL MEMBER LEVINE: That's alright.

NANCY CLARK: Hi. Nancy Clark, As… oop… yeah, you… thank you, hi. Nancy Clark, Assistant Commissioner, Environmental Disease and Injury Prevention for the New York City Department of Health and Mental Hygiene. I can tell you something about the data that we've looked at on injuries and deaths associated with carbon monoxide. In New York City, unintentional carbon monoxide poisoning not related to fires results in about 380 emergency department

visits and nearly 50 hospitalizations every year. Carbon monoxide exposures occurring in residential locations contributed to nearly two-thirds of hospitalizations, or about 30 per year and nearly one-half of emergency department visits, or about 180 per year. Carbon monoxide exposures occurring at public buildings and recreational facilities contribute about 5 percent of both hospitalizations and emergency department visits for carbon monoxide.

COUNCIL MEMBER LEVINE: Thank you.

NANCY CLARK: We can… if you have further questions, we may be able to go a little deeper, but that's based on our data, and I wanna say 2009 to 2011; there's always a certain delay in our hospitalizations data.

COUNCIL MEMBER LEVINE: Thank you.

NANCY CLARK: You're welcome.

COUNCIL MEMBER LEVINE: In your remarks, sir, you mentioned that prevention through education, presumably, is our first line of defense and secondarily it's maintaining the equipment so it doesn't malfunction in the first place. Is there any serious plan on the table to implement more robust prevention and maintenance that would offset the need

for the kind of legislative action we're talking about today?

JAMES COLGATE: I think the New York City Administrative Code already has a rather robust requirement for inspection and reports to be filed for most boilers and heating combustion equipment; the commercial facilities we're talking about all require that. We could look into that and see, I don't know, you know there's always a potential for more. We have 975,000 buildings in New York City; they all have some kind of heating equipment, most of them; there's a lot of buildings out there, so we can work very hard and I think that we need to, we need the education, we need the inspection and the maintenance done and the more we do of that, the fewer people who will get sick, so.

COUNCIL MEMBER LEVINE: I think all of us here would support more aggressive education, but sometimes that can be a copout and we think legislative action perhaps might be the only way to ensure more rigorous compliance with safety standards. So that's it for me. Thank you.

CHAIRPERSON WILLIAMS: Can you get that… Can you get this back on? [background comment]

Thank you, Council Member. I have… I wanted to recognize… I think I saw Council Member Wills here from Queens, Council Member Reynoso from Brooklyn; Council Member Cornegy from Brooklyn. I have one thing to ask and after that it'll be Council Member Barron and Mendez. So Council Member Ignizio and staff pulled something up from Home Depot, which is the Kidde Plug-In Carbon Monoxide Alarm; it says that it is UL listed and is for commercial and residential. So we… the great use of technology found a $46 alarm.

JAMES COLGATE: We are excited that you found that and very happy; [laughter] when we… when the Council enacted, I think it was Local Law 4 of '04; I'm trying to remember back when that happened; we required retroactive carbon monoxide alarms in houses and also in certain types of institutional buildings. At the time everyone said, well just put in alarms and then when we got down to it, those devices did not exist and all those institutions had to go out and do what we explained in our testimony; completely hardwire a whole new detection system with fire alarm panels and all those things. If you're finding that commercial applications have alarms,

then we can work with the bill; hopefully we can, you know, in the coming weeks come up with something that works with our Building Code and can be drafted to have real requirements, we'd be happy to look at those models and products with you and your staff, so.

CHAIRPERSON WILLIAMS: Okay, so I'll ask that we get the specifications and get it over to them. Hopefully, if you can write it down for them, just to make sure that everybody's on the same page, but we are excited also.

Council Member Barron and then Council Member Mendez.

COUNCIL MEMBER BARRON: Thank you Mr. Chairman. Thank you to the panel. In your testimony you say that the cost [background comment] for establishing this system for older buildings is not insubstantial; what dollar amount are you talking about?

JAMES COLGATE: That's a very good question, but it depends a little bit on what Chair Williams just mentioned to me about the alarms. Our testimony was predicated on the requirement for carbon monoxide detectors connected to a full system

that calls the Fire Department rather than a local alarm, which we did not understand was listed for those applications. Under our prior understanding and if we were right; we'll find out very soon, then you're talking each establishment in the range of maybe $4-5,000 just to hire the engineer to design the system, plus the installation, plus the tests and the inspections; it adds up very quickly. If what we're talking about is plugging something into a wall, those costs don't need to be very substantial; we'll look into that when we get those specifications and have our engineers review it.

COUNCIL MEMBER BARRON: So approximately what would be the total dollar amount, with all the factors included?

JAMES COLGATE: Well if… depends which path we're going down; if we go down the path of the Home Depot $70 per device, you'll need one in the room that has the equipment and then you'll need one in any of the spaces that are specified in the law. Right now the law's not very clear about where that is and it certainly depends on layout, you have many, many devices, many, many floors, many, many corridors; it really depends what goes into the bill.

I don't think the bill is drafted clearly enough as it is now for me even to determine that, because I don't know exactly where those extra devices would be located at this time. But $70 bucks per detector is what it sounds like, right?

COUNCIL MEMBER BARRON: In the… in your testimony you talk about a detector that would require a central station alarm, monitoring alarm panel, 'kay, so my question is; what's the cost for buildings that don't have that system to have that installed so that it could receive the information?

JAMES COLGATE: If a building does not have a central station alarm monitoring panel and needs to put in something that will then call the Fire Department and be a proper alarm system, you're talking several thousands of dollars to hire the engineer to design the system, even if it's just a few detectors, because an engineer has to file those plans with the Fire Department, show that it complies with all the various codes and then you're talking several thousand dollars for the contractor to install the work, plus whatever filing has to happen with the Fire Department; you're talking anywhere…

I'm guessing, if you have a very simple system; $5-10,000, approximately.

JOE WOZNICA: Don't forget the monitoring fees too.

JAMES COLGATE: Oh and the monitoring fee's about $50-100… maybe $100 a month when you put in an extra phone line and the monitoring, so it's an ongoing cost thereafter. But as Chair Williams explained, much of that cost may go away, depending on what those specifications are when we review them.

COUNCIL MEMBER BARRON: So it could be a couple of thousand up to perhaps $10,000?

JAMES COLGATE: For a very small installation, yes; if you're talking about the entire, you know, a large museum that has lots of spaces, it could be bigger, or a large, you know a music hall or something like that, a large assembly occupancy; we're talking movie theaters and large buildings are in this bill; not just small restaurants. I tend to focus on the small restaurants because those are the ones for whom $5,000 or $10,000 is a lot of money; larger institutions might be able to absorb this, but the costs go up the larger the facility is.

COUNCIL MEMBER BARRON: Okay. Thank you. Cost aside and just understanding that we value human life; what kind of changes… you made reference to the fact that well alarms might… according to this legislation, be in the halls but not necessarily in the rooms, so how would we need to amend this legislation to make it more effective, regardless of what the cost is, to make it effective so that people would be able to hear… you talk about people not being where the alarm is and we need to put it where people area, so how would we amend this legislation to address the fact that we wanna save lives?

JAMES COLGATE: The way to do that is in Building Code Section 908.7.2 there are three items now that currently require carbon monoxide detecting devices in E, which is education, I-2, which is hospitals and nursing homes, and I-4, which is day care; you'll need to add to that list of 1, 2 and 3 the kinds of places you want those detectors to be; you just write where you want them to be; do you want them in the spaces that are assembly occupancy; do you want them in the corridors only; you want them where? You state what those are. Mr. Bazel.

JULIAN BAZEL: Yeah, let me just add to that. I think, from a common sense point of view, what we need to know is; where is the carbon monoxide coming from and where is it going in the building and you know, that's complicated by the fact that there's an infinite number of building arrangements and the question that's being raised is; in order to make this most effective, most cost-effective and you know, most effective in terms of saving lives, is to put the detectors where the carbon monoxide is likely to go. I think from the Long Island experience it was clear that, you know the carbon monoxide was in the basement area, [background comment] perhaps it was starting to come out of the basement area; I don't know if anyone knows that, but at that point it was not really affecting the areas above. And obviously our concern is to make sure that it's nipped in the bud as early as possible so that nobody loses their life, not just you know, waiting for it to make its way upstairs. The advantage of the carbon monoxide detection system is that you know, as soon as the thing detects, regardless of whether someone's in the area to hear it, a report is made, whether it's into a central station, which is a

monitoring station that would report to the Fire Department or even to a control panel somewhere on the premises where there is likely to be building staff available to hear it and to act upon it. I think the concern is, although we're all in agreement that you know, carbon monoxide detectors need to be installed at appropriate locations, it's sort of difficult to say in this kind of occupancy as opposed to the… you know most people in an apartment or a home… we have a fairly clear idea there's bedrooms and there's a couple of other places where you… you know, in the basement, where you might wanna put these detectors and where they're likely to be heard; when you're talking about an assembly space, you're talking about everything from a storefront restaurant to a, you know a large, you know museum to a, you know a conference center; this could be any number of spaces, and I think what the Building Department is suggesting is that maybe a little bit more attention needs to be focused on, you know where it would be most effective, the places in an assembly occupancy. You know, typically when we write these codes we think about what are the typical kinds of occupancies, you know when you look at a residential

occupancy there's a certain sort of floor plan; if you look at some institutional occupancies there's sort of a standard floor plan; I mean assembly is a little bit more complicated than most of the floor plans, but I think you'd wanna give some thought as to standard types of designs of buildings and then pinpoint those locations; I mean maybe it, you know, it wouldn't make sense to go up three floors; maybe we're better served putting them in certain locations, more locations at the basement level or coming… you know, stairwells leading up from the basement level. I think this is kind of thought that Buildings is suggesting we give.

COUNCIL MEMBER BARRON: Thank you Mr. Chair; thank you the panel.

CHAIRPERSON WILLIAMS: Thank you. Next we're gonna have Council Member Mendez and then Cornegy, and then I have some questions. I did wanna point out; the Home Depot one we found is actually $46, not $76 dollars. And I think Council Member Ignizio has something to say.

COUNCIL MEMBER IGNIZIO: Yeah, just a point of information for my colleague, Miss Barron, is that the bill allows for the Department of

Buildings to determine and promulgate rules which would require placement. Thank you.

CHAIRPERSON WILLIAMS: Council Member Mendez and then Council Member Cornegy.

COUNCIL MEMBER MENDEZ: Thank you Mr. Chair. Good afternoon Mr. Colgate, Assistant Commissioner Colgate. So there is… well, I was just re-reading your testimony, 'cause I thought it was limited to this, but you're saying it's not limited to what you've put in your testimony on Page 1 for A-1, A-2; A-3; correct?

JAMES COLGATE: Not limited; these are lists of the types of things that fall into these categories, but there are other occupancies here; I didn't put bowling alleys here, but they're included; I mean it gets bigger than that.

COUNCIL MEMBER MENDEZ: And in terms of like the smaller; would the deli, bodega run into… fit into one of these categories?

JAMES COLGATE: A deli or bodega is not typically seen as an Assembly occupancy, [background comment] an Assembly occupancy, with a capital A, in the Building Code, is generally a place where people sit for periods of time and consume food or drink,

and typically you need 75 or more people before it becomes an assembly occupancy. A Dunkin' Donuts with 35 seats is not gonna be Assembly occupancy; a 76-person diner now becomes an Assembly occupancy.

COUNCIL MEMBER MENDEZ: Okay, that's helpful. So I think the distinction… there are several distinctions; one is between residential and commercial, which most, from the numbers we were given, most of the incidents have happened in residential, where there's been documented cases of people getting sick; then within that we need to make a further distinction between existing buildings and new construction, because existing buildings, by your testimony, might be harder to redact or somewhat cost prohibitive, but certainly will incur more cost to the building owners, but for new construction in these big places of assembly to, from the beginning put these detectors… detectors, different from alarms, detectors in; would it be as cost prohibitive?

JAMES COLGATE: No it wouldn't, because typically in a new construction your… everything is new and many of these buildings will have alarm systems anyway because they will have sprinkler

systems, so they have to have a transmitting panel to begin with, so the extra cost is not so great, the… you're already building from scratch… [interpose]

COUNCIL MEMBER MENDEZ: It gets absorbed within all the other construction costs. So maybe… [crosstalk]

JAMES COLGATE: That's right.

COUNCIL MEMBER MENDEZ: that's something, if we're tweaking this, that we wanna consider, that where there is new constructions we get these detectors and on the existing buildings we figure out something that gets us some safety so that we don't have these incidences that happened in Staten Island, and I don't remember the details; I remember sort of reading some of it in the news, but to look at specifically what happened in these cases, and if we go back and redact those buildings, that we will in fact make it safer so that a situation like this doesn't happen and that we're not making it completely prohibitive for a landlord to comply. Thank you. Thank you Mr. Chair.

CHAIRPERSON WILLIAMS: Council Member Cornegy. And thank you, Council Member Mendez. We ask… oh, okay. Council Member Cornegy.

COUNCIL MEMBER CORNEGY: Good afternoon. So I appreciate and believe… I particularly appreciate and believe that the business community appreciates the risk… you know try… to mitigate the risk posed by carbon monoxide; as the Chair of Small Business though, I have a couple of concerns, some of which I've heard answers to, but I would like to know if there is an intent now, after hearing what the Chair has said, to amend looking at whether hardwiring, as opposed to individual units makes sense, because in my understanding of Code, you didn't require… it's not required for hardwiring unless there's 30 sprinkler heads or more.

JAMES COLGATE: I'm not sure I followed you; do you…

JOE WOZNICA: Yeah, I'm not sure either; are you referring to if… [crosstalk]

COUNCIL MEMBER CORNEGY: I'm… I'm…

JOE WOZNICA: if a sprinkler head that goes off, if they require hardwiring? [crosstalk]

COUNCIL MEMBER CORNEGY: Right. Yeah, hardwiring; it was my understanding that the Code says that if [background comment] you have 30

sprinkler heads or more then you had to have a hardwired… [crosstalk]

JOE WOZNICA: Yeah.

COUNCIL MEMBER CORNEGY: carbon monoxide and/or alarm system that would enact those.

JOE WOZNICA: If the sprinkler heads go off it would require a hardwired central station connected system to alert the Fire Department, but there's nothing about carbon monoxide in that particular section of the Code.

COUNCIL MEMBER CORNEGY: Okay, so conceivably… and I've noticed that it extends you know past restaurants and to churches and so there are some… I guess the cost, obviously is a major concern, [background comment] not mitigating the risk, because we understand that the loss of one life is too much, but this cost could potentially escalate and I've heard you commit to potentially looking at the bill and amending it, if you can, as it relates to hardwiring versus individual units.

JAMES COLGATE: Yeah, I think that, you know, this department, Department of Buildings, we… we're not focusing on the cost so much; we want people to… we wanna save lives, we wanna do all the

important things that are… the reasons why carbon monoxide detectors are there is 'cause they save lives; that's great, and we want to encourage that. When we talk about the costs of what you call hardwired; I'll say a detection system, versus local alarm, there is a big difference in the costs between installing one or the other in an existing building, and if we're talking about; you're on the Small Businesses Committee, the cost to a small restaurant owner, small Assembly occupancy, maybe a small… even an art gallery; whatever they are, they're Assembly occupancies and they have a boiler right below them and this law would require them to do something. If the law can be drafted in a way that provides those local alarms which don't require all the wiring that I talked about in my testimony, that will provide a less expensive way to provide the safety. So I think that might be the direction we go in, assuming that those specifications work, the ones we saw on Home Depot's website there, so.

COUNCIL MEMBER CORNEGY: And then the only other question that I have is of implementation and time for businesses to become compliant with

that, and I believe that it was May… October. [background comments]

JAMES COLGATE: Yeah, the bill I have, the one that was introduced, says that they must complete this by May of 2014… [interpose]

CHAIRPERSON WILLIAMS: It's gonna be changed.

JAMES COLGATE: but it's effective October of 2014.

CHAIRPERSON WILLIAMS: Okay.

JAMES COLGATE: It will take time for people to do this, you know, and you know, there's a… you always wanna give businesses enough time to accomplish what's required of them from these requirements, so obviously we'll work with you on that, so.

COUNCIL MEMBER CORNEGY: And then I guess letting people know or the outreach portion of that, letting businesses know, has been challenging in the past to reach all small businesses, and I'm just specifically speaking of small businesses, about any change has been difficult; do you have a methodology or a suggestion of a methodology to do that, that would fall within that timeframe? We understand as

the Small Business Committee that it's very difficult to disseminate any information throughout the hundreds of thousands of small businesses that are in this city and that because of o real uniformed way of doing that to date, it poses a problem when there are fees and fines associated with having a particular amount of information and a particular time to cure. So I was just wondering from your standpoint, is there a methodology that you see that would be more effective in getting this information out?

JAMES COLGATE: I think that because this bill, unlike most of the other retroactive laws that the Council has passed that mandate, let's say a sprinkler upgrade or some large capital project, we've had many bills that require large capital projects; that squarely goes right to the owner, they figure it out, they know what they have to do and it's not so difficult for us to achieve compliance. In this case, the obligation from the owner is gonna say well let's… you're the tenant; you do that and it's not as easy to get compliance, 'cause as you said, now you have to reach out not just to 975,000 buildings, but all of their tenants, and they have many tenants and I don't know the best way to do

that; we'll have to work out something; some way we will figure out how to get the information out.

COUNCIL MEMBER CORNEGY: And it's with that in mind that I would, you know strongly suggest a longer time period to cure.

JAMES COLGATE: One suggestion would be that it's already March; they will likely not be able to get it by the next heating season; once they miss May of 2015, it doesn't matter until the next October, 'cause that's when the heating system kicks in again, you know. You think it about it cyclically in terms of the heating seasons, 'cause that's when the dangers are greatest.

COUNCIL MEMBER CORNEGY: Thank you.

CHAIRPERSON WILLIAMS: Thank you. And just to reiterate, we had a number of discussions, Council Member Cornegy, on the cost and some of that is mitigated, thankfully; we flagged the cost pretty early and Council Member Ignizio is actually working on some changes that… not currently, but will be in the new version of the bill, so we are definitely attuned to the small business community and the issues that they're going through there.

A couple of questions I have. In buildings that have existing fire alarm systems, how much would it be to add the detector?

JAMES COLGATE: I don't think it's possible to say an actual amount, because every building's gonna have a different layout, different type of construction, different difficulty putting the wires together, but you're still gonna have to hire an engineer to file plans with the Fire Department and amend the existing system, and if this system is capable of being amended and added on to, because the controlling panel is sophisticated enough and modern enough to separate out a carbon monoxide alarm from the other kind of alarms that it sends to the central station, you're still talking $4-5,000 for the engineer to file… [interpose]

CHAIRPERSON WILLIAMS: How much?

JAMES COLGATE: $4-5,000 to hire the consultants to file the plans, even for a small thing. So it's not… unsubstantial is the way I said in my testimony; I still stick by that for that kind of an alteration.

CHAIRPERSON WILLIAMS: Do carbon monoxide alarms and carbon monoxide detectors detect carbon

monoxide differently; is there a different trigger point or concentration for each one?

JAMES COLGATE: I am not aware of the difference, there may be; the typical residential carbon monoxide alarms are tested to a particular UL standard and the detectors are to a different standard, but I suspect they may be similar; I don't know the answer; do you…

JOE WOZNICA: They're all calibrated differently; some manufacturers calibrate them for a lower parts per million detection rate and others calibrate them for a slightly higher protection rate, so it's really hard to say; it goes by manufacturer.

CHAIRPERSON WILLIAMS: So you can have a fire alarm that may detect quicker than a carbon detector?

JOE WOZNICA: Well a fire…

CHAIRPERSON WILLIAMS: I'm sorry; a carbon… so within the same type… [crosstalk]

JOE WOZNICA: It… it all…

CHAIRPERSON WILLIAMS: an alarm would be… [crosstalk]

JOE WOZNICA: It… it all depends on who manufactures it; it doesn't matter whether it's an alarm or a detector.

CHAIRPERSON WILLIAMS: I see. Thank you. Okay, thank you. And just switching gears for a second, does the Department suggest that carbon monoxide detecting devices be installed… and that… that incorporates everything, right, if you say carbon detecting devices, that inclu… be installed in any other occupancy group, apart from what is currently required and what Intro 11 is proposing?

JOE WOZNICA: To be safe, you would install a carbon monoxide detector in any occupancy that has fossil fuel burning equipment.

JULIAN BAZEL: Let me just add to that that New York City is now part of a model code process, our Building Code and Fire Codes are all derived from the International Code Council, International Building Code and International Fire Code and in addition, those codes in turn reference a variety of industry standards, including NFPA standards. In general, you know, the way that we benefit from being a model-code-based code city, because these organizations have ongoing committees

and proposals and are always studying, updating the standards and they're made aware by the manufacturers of new technologies that are available and they consider the incorporation of those technologies and standards. So we have a three-year Code revision process in which both the Department of Buildings and the Fire Department review their respective codes, see what the latest changes in standards and technologies, and that's the way that some of the latest things get introduced to New York City. Now obviously in New York City, you know or any other jurisdiction when there's an emergency or a tragedy that occurs, everyone wants to focus and see what improvements can be made. I think in general, as we've all said today, you know carbon monoxide is a serious public health hazard and one that needs to be addressed, but I think the other thing that's also coming out of this discussion is that it's not a simple of just, you know, throw in a few more occupancies; you really have to think about how those occupancies… what kind of systems those occupancies are already required by the Building Code to have and how these detectors would work and where to put them in these kinds of occupancies. So it's definitely a

worthy discussion; it's just not one, like off the top of your head you say, well let's put it in three other places, we have to think about that and typically a lot of that thought is worked through in the national code-making organizations and presented to us as, here's what's recommended and then it becomes a national standards, products become available, installers know how to install it correctly and have the devices and the equipment to facilitate and keep the cost down.

CHAIRPERSON WILLIAMS: Council Member Torres, and I think that'll be all of my colleagues who wanna ask questions.

COUNCIL MEMBER TORRES: Commissioner, thank you for your testimony; I wanna be sure that I understand your testimony. So carbon monoxide alarms as distinct from systems… are ill-suited to commercial applications; is that…

JAMES COLGATE: There was a discussion earlier where my testimony assumes that alarms, the standalone devices… [interpose]

COUNCIL MEMBER TORRES: Okay.

JAMES COLGATE: you can buy in the hardware store, are not listed for commercial

occupancies, and what I've heard is that since the last time the Council passed a law requiring carbon monoxide detecting devices in 2004, when we addressed this the first time there's been changes in technology that may actually allow alarms to be listed for commercial applications. So my testimony talks about the systems and how they're installed and how they work. It discounts the idea of an alarm for a commercial application, but what we're hearing is that may be possible these days, so.

COUNCIL MEMBER TORRES: So let's stipulate that you're right.

JAMES COLGATE: If I'm right. 'Kay. Okay. [crosstalk]

COUNCIL MEMBER TORRES: If you're right, is there any cost-effective means of installing carbon monoxide detection in existing constructions?

JAMES COLGATE: Not very… well, what's cost-effective; you'll save lives, but there will be a great cost.

COUNCIL MEMBER TORRES: So I guess I wanna know DOB's position and maybe this is an uncomfortable question, but as whatever benefit comes

of Intro 11, is that worth the prohibitive cost of installation?

JAMES COLGATE: I don't know if I'm prepared to say what that cost is; I mean the… our purpose was to explain to you what those are so you can make the educated decision as to whether or not that is the right choice; where is that place, you know. It's hard to say don't put the stuff in; it will save lives, you know, so… but you can't build every building to do everything, because then no one ever will build… or have a business in New York; you have to pick and my Department will happily enforce whatever you pick.

COUNCIL MEMBER TORRES: And I don't know if you answered this question earlier; can you give me just a concrete example of the cost that would be incurred from… [interpose]

JAMES COLGATE: If you put in…

COUNCIL MEMBER TORRES: in existing construction.

JAMES COLGATE: In existing construction, if you're putting in a detection system… [crosstalk]

COUNCIL MEMBER TORRES: Yeah.

JAMES COLGATE: in a building let's say that does not have one now, you have a restaurant, there's no fire alarm system in the building, you've got to hire the engineer, you've got to file plans with the Department, have your engineer file those plans, you've got to have a qualified installer install the devices, have the Fire Department inspect it, sign it off and then the finishes have to be fixed, whatever has been chopped open, it has to be sealed up again. So all those things, you're talking $5-10,000 easily for a small system; just a ballpark, you know. [background comment] And then there's a monthly cost; you have to have an extra phone line for life, 'cause it has to have a phone line dedicated to notify the Fire Department, and pay the monitoring company a monthly fee to manage it, so that's probably another $100 a month together.

COUNCIL MEMBER TORRES: Do you have data on the, I guess the frequency of CO poisoning in residential occupancies versus commercial occupancies; I wanna know… just have a sense of how prevalent it is or?

NANCY CLARK: Hi. The information that we have at the Health Department is examining

hospital records… administrative data, so we are… we can report those out, but I just like… I usually like to clarify that details of an incident are not always as robust as we want it to be, but given that caveat, we know that, from when we look at three years of data for hospitalizations for CO incidents not related to fires, there were for hospitalizations 50, about 50 a year; our… wait, I'm sorry… not related… yeah, about 50 hospitalizations a year and of those, about half are residential; is that what I said?

JAMES COLGATE: Yeah.

NANCY CLARK: Yeah. And for emergency room visits, which there were many more of those, 380, and about 60 percent were residential. I didn't report earlier; I just wanted to verify, we also, from looking at our death records, we had 25 deaths over the period 2005-2010; I don't have information on place, but they are… do not include any deaths associated with fires, which smoke inhalation and carbon monoxide poisoning is a common cause of death. So these we can only say are from another source of carbon monoxide; not from fire. Did I say that clearly or no?

COUNCIL MEMBER TORRES: Yes. No.

NANCY CLARK: Thank…

COUNCIL MEMBER TORRES: And that's the extent of my questioning. Thank you so much.

NANCY CLARK: Sure.

CHAIRPERSON WILLIAMS: Thank you. I wanna thank you so much for your testimony today and I know the prime sponsor, Council Member Ignizio, has a couple of closing words.

COUNCIL MEMBER IGNIZIO: Yes. Thank you very much, gentlemen; I think you helped us today. Look, the point is, legislation is simply just to save lives; we're not trying to pass legislation for legislative sake; what I got my colleagues is that we are absolutely gonna look at the implementation date and I just want to reiterate that good is not the enemy of perfect; we're trying to find an intermediary step between the gold standard which we all know is the detector system and the new legislation which the amended version will speak to new buildings having that requirement, if you're building a new building, which makes sense, or if you're doing an entire full replacement of your fire suppression system, that would be a part of it and the interim basis would allow for alarms to be

utilized until such systems are either renewed or a new building is built in its place. So I thank you all and I look forward to working with you in the coming days and weeks ahead. Thank you.

CHAIRPERSON WILLIAMS: Thank you. We have one more panel. John Caufield, National Fire Protection Association, James… oh no, didn't we just have him, James? Oh. James Versocki, New York State Restaurant Association, Angela Pinsky from REBNY, Real Estate Board of New York, and Dwayne Andrews, American Council of Engineering Companies of New York. I wanna mention that we have testimony that was submitted for the record from the Council of New York Cooperatives and Condominiums and from NYSAFAH, New York State Association for Affordable Housing.

And for those coming up testifying now, hopefully you'll also temper your testimony with the fact that we did make some changes that we hope will assist in many of what I think the objectives may be for some people who are… I'm sorry, their objections may be. And I wish everybody Happy St. Patrick's Day. I forgot to wear green; I was gonna pull out a $10 bill, but it's now orange, [laughter] so I couldn't win, I couldn't… Can you please raise your

right hand? Do you swear or affirm to tell the truth, the whole truth; nothing but the truth today? [background comments] Thank you very much; you may start however the panel wishes.

JOHN CAUFIELD: Good afternoon Council Members. My name is John Caufield; I'm the mid-Atlantic Regional Director for the National Fire Protection Association, known as NFPA. I'm the retired fire chief in Rochester, New York, way up state, western New York, where I served for 27 years; I have a lot of experience in fire-related issues -- codes, so on and so forth. Thank you for the opportunity to offer testimony relating to Introductory 11, which seeks to amend the Administrative Code and Building Code of the City of New York regarding carbon monoxide detectors in additional occupancies. Want to start by just briefly talking about NFPA.

NFPA is a safety organization; it's a non-profit; our mission is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating for consensus standards, codes and standards. I think I'll stop at that; we also have an educational branch, research

and so on and so forth, but not necessarily relevant today. We do have consensus codes and standards, so that's key. We have industry representatives, we have fire service representatives, we have alarm manufacturers and so and so forth that sit on our panels and collectively reach consensus on the best practices; it's part of a national code, model code system.

NFPA develops, publishes and disseminates more than 300 of these consensus codes and standards intended to minimize the possibility and effects of fire and other risks. NFPA codes and standards are currently referenced in the New York City Building Code, particularly standard 13 on sprinkler systems, and there's a variety of issues there; 14, which is the installation of fire protection standpipe and hose systems for our fire department, and NFPA 72, which is the National Alarm Code.

I'll preface my testimony by stating that I'm generally supportive of Introductory 11, as it seeks to improve the overall safety of those who live, work and recreate in New York City, but I also believe that Introductory 11 is silent on important technical aspects; many of those were covered in the

past half-an-hour or more. Further, Introductory 11 proposes that CO detection devices, when activated, must report to a supervised central station. This requires a certain level of technical proficiency; very complex. Proficiency standards should fall to local jurisdiction and authority as currently exists for approved alarm installers in New York City, and the Fire Department certifies alarm installers based on the standards of NFPA 72, the National Alarm Code.

Notably absent from Introductory 11 are details relating to system design and local approval and the HJ is the authority having jurisdiction; that's whoever is responsible for approving these systems. Also, there's nothing discussing certification approval or authorization of installers, absent any standards on inspection, testing and final approval of the system. There is no performance requirement for what the system would look like. Now a system that's commercially designed and installed is going to look much different than a system that consists of a plug-in smoke detector or carbon monoxide detector, so very, very different. So some standards need to be established of what it is that you're looking for, I would suggest. And

lastly, the specified requirements surrounding signaling… [interpose]

CHAIRPERSON WILLIAMS: I'm sorry; when you said… you said standard… you meant alarm, standard carbon monoxide alarm?

JOHN CAUFIELD: Yes. [crosstalk]

CHAIRPERSON WILLIAMS: Okay.

JOHN CAUFIELD: Well… there has to be some sort of standards; what… an appropriate alarm system, if you will, will comply… [interpose]

CHAIRPERSON WILLIAMS: So I just wanna be clear, because we're using detector and alarm and I don't want to use them interchangeably.

JOHN CAUFIELD: Understood.

CHAIRPERSON WILLIAMS: Okay.

JOHN CAUFIELD: I wanna state just kind of in a general way; at some point I would suggest that the introductory would be strengthened if there is some sort of performance standard included in that, and I use these as just some examples. Just generally you need some component, some regulation; for instance, there was discussion about UL approval, you know, that's a standard, that's a standard that exists, something that's concrete that you can point

to; that's what I'm suggesting. We need some objective standards surrounding this to make it a more effective piece of legislation. And lastly, on my bullet point list is, system requirements surrounding signaling to a supervising station, as specific in Building Code Section 908.7.2, my remarks are quite brief, but I do wanna point out; NFPA is part of a national model code organization; there are other ones; NFPA speaks specifically to safety standards. But NFPA has a standard, specifically, NFPA standard 720, which is a standard for installation of carbon monoxide detection and warning equipment; it's over 70 pages long, it's very technical, very detailed. This is the kind of standard that exists in a model code system and it applies particularly to supervised alarm systems, as I read the introductory, you know as I was preparing my testimony, but NFPA does have this document. Certainly I've provided it to Council Member Ignizio's staff so that it can be referenced and, you know applicable parts, what would be best for New York City residents and the legislation could be lifted from this document; we're happy to participate in that discussion.

In closing on that piece, I would suggest that NFPA 720 should be reviewed, referenced and incorporated in order to meet the technical requirements of Introductory 11.

As mentioned in my initial remarks, I'm generally supportive of Introductory 11 but suggest that it can be strengthened by clarifying technical requirements, as well as providing for local approval of system design, installation professionals and overall system characteristics and performance. I would also add one piece; I'm gonna ad lib just for a second, there's an important piece here that hadn't been discussed in previous testimony and question and answer. The alarm has several different facets; an alarm at large, one is to notify citizens, people in that occupancy that there is a problem; essentially they hear the alarm, they should leave the building, that's one piece. Second piece is recognition that there is a problem; the alarm system should have some component, in a model code approach, to notifying an emergency responder to come and mitigate that problem, stop what's going on. And thirdly, you know we need to make sure that… [interpose]

CHAIRPERSON WILLIAMS: Sorry; you're speaking of a detector?

JOHN CAUFIELD: I'm talking a detector, a system; any kind of alarming device should have some sort of component that alerts emergency responders, however that's crafted. It could be a central station, it could be education that an alarm goes off in your assembly occupancy; somebody needs to call the Fired Department because there's a problem. And I use these as just generalities, but that's part of the overall idea of a system, but any kind of alarm; notify occupants that there's a problem, get help to come and mitigate that problem and then perform some sort of maintenance process to make sure that this problem doesn't reoccur. With that, this concludes my remarks; I'm happy to address any questions in any order.

ANGELA PINSKY: Hi; I'm Angela Pinsky; I'm from the Real Estate Board of New York. It seems like a lot of our concerns that we put in our testimony are actually addressed by the modifications that were made over the weekend, so I'm just gonna pull a few highlights that are still specific to commercial buildings within our portfolio.

So REBNY supports the City's effort to more efficiently and effectively handle public health risks associated with CO accumulation; in the wake of recent events, the need for CO safety measures is clear. Our main concern is along the lines of the costs that are associated with buildings that don't have central supervising stations within their buildings already and then also, with the ones that do have these systems in place, we have concerns about if you do have a detector connected to the central system, that when it notifies the central panel that something's wrong and it does have… there is a CO accumulation, that a notification doesn't go straight to the Fire Department, because whatever they receive they have to respond to and if there is not an actual emergency they will charge the building for every time they have to come out and the number of false alarms that are associated with CO detectors and CO alarms is actually quite high, so we would like the building to have the opportunity to resolve the issue itself, particularly if it's monitored full-time and then be able to call the Fire Department as a subsequent measure.

And then in response to one of the questions that was raised earlier, for the residential buildings the requirement was one year to put in these systems and we would ask for at least that amount of time or longer. And for issues where buildings are required to do retroactive requirements, such as signage or any new application that is relatively minor, what REBNY generally asks for, and we have been successful in getting this in a couple, is that the first violation be a non-monetary penalty and that they have a certain amount of time to cure. So thank you.

JAMES VERSOCKI: Want to go first, while we're waiting. Good afternoon; my name is James Versocki; I'm here on behalf of the New York State Restaurant Association. Chairman Williams and to Councilman Ignizio, thank you so much for the time and effort that all the Council has put into this, your comments and questions to the Administration were poignant and on-point and really limited our ability to go on and on, so we will give you our written testimony, but on behalf of the Restaurant Association, here in New York City we represent almost 5,000 restaurants, the vast majority which are

small businesses and I think Council Members Torres and Cornegy, you both addressed our concerns from a financial standpoint, that the technical concerns about monitors… I'm sorry, detectors versus alarms and what those costs are for small businesses and determining what the appropriate standards are before this is implemented.

So while we're here today in essence opposing as written this bill, the Association will gladly stand with the Council and the Administration to work on developing standards that would work; we do strongly support, as we have working with the Department of Health, changing a fine first mentality to a cure first mentality so that small businesses have the opportunity to get educated and learn, because generally they don't know that they're not doing things wrong [sic]; they just need to get educated and will do it. So we do ask for a longer introductory period and not a fine first mentality with this.

Finally, I wanna highlight; in light of the tragedy out at Legal Sea Foods on Long Island, I wanted the Council to be aware, there are a slew of bills that were introduced in Albany on this issue.

Obviously we're a stand-alone here in the City, but I just… we're tracking all those bills; how they could impact local businesses here as well as this legislation, so if there's an opportunity for the staff to coordinate with us so we can keep them abreast of that we'd be glad to do so. And that being said, I thank you for your time and will defer to our testimony.

COUNCIL MEMBER IGNIZIO: We usually export our best ideas [laughter] to Albany and around the country.

JAMES VERSOCKI: Thank you; no comment. [laughter]

DWAYNE ANDREWS: Good afternoon Council Members; my name is Dwayne Andrews; I'm testifying on behalf of the American Council of Engineering Companies of New York. ACEC New York is one of the oldest continuing organizations of professional consulting engineers in the U.S. ACEC New York represents 270 member firms throughout New York State that collectively employ more than 20,000 people statewide and design all aspects of the built environment. Many of our members who have the expertise in the Construction Codes will be called

upon to design and supervise the installation of the systems required by Intro 11. I will abbreviate my testimony; you have the written testimony there; a lot of the issues have been addressed earlier; however, with respect to the compliance date, we agree that the compliance date should be set back, particularly because some A-occupancies are complex, for example, Lincoln Center or Radio City Music Hall. We also suggest that the Council consider an alternative means in which it would be acceptable to use existing fire alarm notification appliances -- speakers, horns, strobes, etc. -- in buildings that have them already instead of requiring them to add a built-in sounder base. In other words, if there is already equipment in place to alert occupants, we suggest allowing that existing equipment to be used.

For existing buildings the Council should consider alternatives to the bill's requirement that listed carbon monoxide detectors with built-in sounder bases transmit a signal to a central supervising station; this requirement could be read as requiring a separate signal type to the central station, which some buildings may not be able to provide without costly equipment upgrades and changes

to their signal monitoring contracts; something that was addressed earlier. We suggest instead allowing the signal to be a subtype of the common alarm signal transmitted for some buildings.

Finally, we request that the Council clarify the intent of the language requiring the placement of carbon monoxide detectors in close proximity to the potential carbon monoxide source, in Paragraph 2 of Section II of the bill the current language could be interpreted as necessitating monitors only in the corridor on the same floor of the source, then throughout the entire floor above instead of just the corridor and throughout the entire floor below instead of just the corridor. We expect that the intent of the bill is to have monitors only in the corridors of those three consecutive floors, but we respectfully request that the Council clarify its intent.

ACEC New York thanks you for the opportunity to testify on this bill and we stand ready to assist this Committee as it continues to consider ways to make the City's buildings safer.

CHAIRPERSON WILLIAMS: Thank you. Just a couple questions. Mr. Caufield, I know you were

kinda using alarm/detector interchangeably; I just wanted to clarify. Do you know of any alarm that also has the ability to notify a third party?

JOHN CAUFIELD: That would be what I would call a central station alarm system. [interpose]

CHAIRPERSON WILLIAMS: I see. Okay. And Miss Pinsky, how many false alarms are generated of CO?

ANGELA PINSKY: So right now they're not attached, the CO detectors are not part of the system, but we actually are in the process of an exercise of collecting information about false alarms for fire and those numbers have been increasing because of the sophistication of the systems and these buildings get hit $1,000 the first time, $5,000 each additional time within a 2-3 year period, so it can be very expensive.

CHAIRPERSON WILLIAMS: So I just wanna be clear, 'cause you… [interpose]

ANGELA PINSKY: Okay.

CHAIRPERSON WILLIAMS: alluded that there were a lot of false alarms to carbon monoxide… [crosstalk]

ANGELA PINSKY: Yes, to the…

CHAIRPERSON WILLIAMS: but there's no data to state how many false alarms of CO there is -- carbon monoxide?

ANGELA PINSKY: No, there is some research about the sensitivity of CO detectors and alarms and it says that… we have a little bit here… that sometimes they can be set off with ambient conditions that surround them, such as the presence of some cleaning solutions, deodorants, hair sprays and high humidity.

CHAIRPERSON WILLIAMS: Okay. Alright. I am concerned a little bit less with other data; I was tryin'… I thought that you may actually have some data to reflect that, but I did wanna… let's pretend that there wasn't data and there was a lot; what is your thought process about how a building could respond in a way that's an effective way of saving lives?

ANGELA PINSKY: So there are some situations where maybe some ventilation is blocked or something like that in a certain room where the CO is being emitted from, like the boiler rooms and proper ventilation will cure that. You know, you don't

wanna have a situation where you have the CO detector go off or alarm go off and then you don't solve the problem and then it's off and nobody leaves that… that's a bad situation for everyone, but if there are circumstances where the building can monitor it and if they see it goes off once, you ventilate the room and… [interpose]

CHAIRPERSON WILLIAMS: But…

ANGELA PINSKY: it doesn't go off again.

CHAIRPERSON WILLIAMS: when you say the building; who?

ANGELA PINSKY: For the buildings that have the central supervising station, they also have the fire safety personnel, so you have… [interpose]

CHAIRPERSON WILLIAMS: I see.

ANGELA PINSKY: you have somebody who's standing at the panel and monitoring the building at all times that the building is occupied. [interpose]

CHAIRPERSON WILLIAMS: So that will be buildings that have those…

ANGELA PINSKY: Correct.

CHAIRPERSON WILLIAMS: but buildings without, you just have the alarm?

ANGELA PINSKY: Right, the buildings that don't, we are proposing that they get the alarms.

CHAIRPERSON WILLIAMS: Council Member Ignizio; do you have any questions?

COUNCIL MEMBER IGNIZIO: No, I just wanted to thank you in the vein that you brought your comments to us that, you know to make a… to build a better mousetrap, as I said before, and to make a better bill and we who will be moving forward on an amended version welcome all the comments and we'll incorporate them, so I just wanna thank you for your time.

CHAIRPERSON WILLIAMS: Thank you everybody for your testimony and seeing no more questions from my colleagues, this hearing stands adjourned.

[gavel]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.

Date ____ April 11, 2014_____